Public Service Commission of Wisconsin

Cheryl L. Parrino, Chairman
Daniel J. Eastman, Commissioner
Joseph P. Mettner, Commissioner

610 North Whitney Way
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July 9, 1997

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D. C. 20554

Re: Comments Requested on Petition for Expedited Rulemaking to Establish Reporting Requirements and Performance and Technical Standards for Operations Support Systems

File RM 9101

Enclosed please find an original and four copies of the comments of the Public Service Commission of Wisconsin in regard to the above captioned request for comments.

Sincerely,

Cheryl L. Parrino
Chairman

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Enclosures

cc: Janice M. Myles
Common Carrier Bureau
1919 M Street, N.W., RM 544
Washington, D.C. 20554

International Transcription Service
2100 M Street, N.W., Room 140
Washington, D.C. 20037

Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of:	)	
	)	
Comments Requested on Petition for Expedited Rulemaking to Establish	)	
Reporting Requirements and Performance and Technical Standards for	)	RM 9101
Operations Support Systems	)	

COMMENTS OF THE PUBLIC SERVICE COMMISSION OF WISCONSIN

The Public Service Commission of Wisconsin (PSCW) has received the May 30, 1997, Petition for Expedited Rulemaking by LCI International Telecom Corp and the Competitive Telecommunications Association (the Petition). The PSCW has also received the FCC's June 10, 1997, Notice in the above-captioned docket and provides the following comments. There is merit to the first two items of the Petition regarding disclosure of performance standards Incumbent Local Exchange Carriers (ILECs) have established for themselves and historical data and measurement criteria supporting those standards. However, the request to set a long list of minimum performance standards through expedited rulemaking is redundant to current state efforts and work being done by American National Standards Institute and beyond the immediate issue of Operations Support Systems (OSS) evaluation. Included are suggestions for areas where further guidance at the Federal level could assist in interpreting Federal Communications Commission (FCC) OSS rules in a manner that will promote equitable treatment of all utilities.

First, we strongly support disclosure of performance standards which ILECs have established for their own customer service representatives. As reflected in the PSCW's May 30, 1997, Second Order in docket 6720-TI-120, Matters Relating to Satisfaction of Conditions for Offering InterLATA Service for Wisconsin Bell, Inc., d/b/a Ameritech Wisconsin, (Second

Order), the PSCW found that Ameritech did not present comparisons of OSS response intervals provided to Ameritech's own customer service representatives for many of the OSS functions required. Accordingly, this Commission could not conclude that the interfaces were processing certain reseller provided transactions in substantially the same time and manner that Ameritech provides to its own retail customers. A comparison to the response intervals that Ameritech provides to itself is a required piece of information that is necessary to make such a determination. Not only Ameritech, but all Regional Bell Operating Companies (RBOCs) seeking to obtain a regulatory finding that they have opened their markets to competition in order to obtain certification for entry into long distance markets should be required to provide this baseline evidence.

In the above mentioned order (attached), the PSCW established a "Threshold to Refile" under which Ameritech is required to gather and submit certain detailed OSS performance information with the filing of another Statement of Generally Available Terms and Conditions (SGAT). That list provides a minimum showing that OSS functions are processing transactions reliably and in parity with the service Ameritech provides to its own customer service representatives.

Individual states may apply more stringent standards in evaluating OSS functions for SGAT review and thus be more costly to their respective RBOC while other states may apply less stringent standards. Nationally this could potentially put one RBOC at a competitive disadvantage to another RBOC for purposes of obtaining entry into long distance markets. Further, inadequate OSS functions can also thwart the intent of the Telecommunications Act of 1996 to rely on competition instead of regulation in local exchange service provision. The requirement that ILECs provide access to pre-ordering, ordering, provisioning, maintenance and

repair and billing functions is necessary to create meaningful opportunities for CLECs to compete effectively. However, such access has never been provided before and it is literally impossible to create a defect-free information exchange system overnight. Guidance would be useful in defining an achievable level of operability that states should expect of OSS functions.

The value of this additional guidance would be to promote comparable levels of scrutiny among states and RBOCs. The following are examples where further guidance in evaluating OSS functions could be useful:

(1) the relative extent of automation expected;

(2) intrepretation of the meaning of "substantially the same manner";

(3) necessary restrictions on changes to interfaces; and

(4) time frames in which national standards, once adopted, must be implemented.

This list is not intended to be exhaustive, but demonstrates that additional guidance does not call for a Federal determination of a specific level of performance, e.g., repairs should be completed in four hours. Instead, the examples represent guidance that could be provided to states to further assist in their evaluation of evidence presented regarding performance of OSS functions to ensure consistency of treatment among RBOCs and within a given RBOC region. Further discussion is provided below for two of these examples.

Much discussion was included on the record in Wisconsin about manual versus electronic processing. The FCC rules are not clear regarding the extent to which automation is required. On one hand we hear the argument that the Commission should not care whether the transaction is processed manually or automatically as long due dates are met. However, evidence was presented that for the time period studied, manual transactions were more likely to miss a due

date. In addition, how can a Commission conclude that an interface is processing transactions in a predictable and reliable manner when a number of transactions "drop out" for more time and labor intensive manual processing?

Potentially, the FCC could further identify the kinds of transactions that would be expected to be reliably electronically processed and identify others for which manual processing is customary and acceptable. The two extremes can be identified. For instance, an assume-as-is order would be expected to be processed electronically, and an individual contract would be expected to be processed manually. Further, guidance on the extent of the complexity of transactions which should be able to be handled electronically would be useful and would promote greater uniformity in state evaluations.

Guidance on the meaning of "substantially the same time and manner" would also be useful. We will need to address this issue upon the filing of Ameritech's next Statement of Generally Available Terms and Conditions. Some may interpret "substantially the same" to mean no statistically significant difference in performance factors. However, that may be too stringent a criterion. With large volumes of transactions, one may statistically demonstrate an average difference of mean response times which is very small. However, would a tenth of a second difference in response times be considered substantial? In addition, it is a physical fact that CLEC processing requests will need to pass electronically through some form of firewall that allows CLEC access to data bases but does not allow unauthorized parties to access such data bases. Thus, there may be a transactional processing step that an ILEC's requests do not have to go through that a CLEC's requests would. Accordingly, some level of delay must be expected and acceptable.

How much delay is acceptable within the meaning of "substantially the same time and manner." One general evaluation standard could be that the interface allows the CLEC to conduct business in the same manner that the ILEC conducts business. An example would be that OSS functions allow customer service representatives to provide phone numbers while a customer is waiting on the phone. Providing phone numbers while a customer waits on-line is a business practice. Competitors should be able to provide services through business practices which are as nearly identical as is practicable if competition is to be effective.

The Petition also requests that the FCC determine appropriate performance standards for an extensive list of measurements, which the Petition organizes by OSS function. While some measurements address performance of the automated interfaces themselves, e.g., the availability of the interface and percent of unplanned down time, many address quality of service parameters, e.g., frequency of repeat troubles should be no greater than 1% within 30 days; or orders should be completed without error better than 99% of the time. In all, the Petition proposes approximately 130 different measurements.

It would be reasonable for the FCC to provide guidance regarding the expected level of performance of the automated interfaces themselves. This could include measures of allowable unplanned down time. This guidance is very similar in nature to the above requested additional guidance on the extent of automation required. It would be desirable to state these requirements in terms of expected performance levels with some degree of particularity.

However, regarding quality of service, the FCC rules already indicate that parity with the ILEC must be provided. The quality of service of a CLEC should be substantially the same as the ILEC provides to itself. This does not create a requirement for a stated level of performance, but rather that parity with the ILEC must be demonstrated. To the extent that CLECs desire a

better level of performance than the ILEC provides to itself, it should be able to negotiate or arbitrate agreements that include terms reflecting its required levels of performance.

In conclusion, it would be useful to have more guidance from the FCC on the minimum criteria for evaluation of whether OSS functions are operational. However, the FCC should avoid setting an extensive a list of performance standards as that requested in the Petition.

Respectfully Submitted,

Cheryl L. Parrino
Chairman

Daniel J. Eastman
Commissioner

Joseph P. Mettner
Commissioner

AWW:slj:t:\staff\aww\oss petition revised
Attachment